

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	FINE ET AL.	Examiner:	UNKNOWN
Serial No.:	10/826,895	Group Art Unit:	3754
Filed:	APRIL 16, 2004	Docket No.:	163.1752USII
Confirmation No.:	2205	Customer No.:	23552
Title:	DISPENSING APPARATUS AND METHOD SUITABLE FOR HETEROGENEOUS COMPOSITION		

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TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL  
DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Petitioner, Ecolab Inc., a corporation organized and existing under the laws of the State of Delaware and having its primary place of business at Ecolab Center, St. Paul, Minnesota 55102 represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 10/826,895, filed on April 16, 2004 and entitled DISPENSING APPARATUS AND METHOD SUITABLE FOR HETEROGENEOUS COMPOSITION ("present application").

Petitioner, Ecolab Inc., hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as shortened by any terminal disclaimer filed prior to the grant of any patent granted from pending second U.S. Patent Application Serial No. 10/435,351, filed on May 9, 2003, and entitled DISPENSING APPARATUS AND METHOD SUITABLE FOR HETEROGENEOUS COMPOSITION ("second application") and hereby agrees that any patent so granted on the present application 10/826,895 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

any patent granted on the second application, this agreement to run with any patent granted on the present application 10/826,895 and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the present application that would extend to the full statutory term as shortened by any terminal disclaimer filed prior to the patent grant on the second application, in the event that any such issued patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Date: January 14, 2008

Signed: 

Name: Mark T. Skoog  
Reg. No. 40,178

Title: Attorney of Record

**23552**

PATENT TRADEMARK OFFICE